

Claim 14 (Thrice Amended) A method for inflammatory musculoskeletal connective tissue disorders comprising the steps of:

providing a low frequency sonic transducer;

immersing said low frequency sonic transducer in an interior of a liquid-containing container and below an upper surface of a liquid in said liquid-containing container;

positioning a person having an inflammatory musculoskeletal connective tissue disorder a therapeutically beneficial distance from said container; and

exposing said person for between approximately fifteen minutes and forty-five minutes to acoustic waves from said low frequency sonic transducer at approximately six hundred Hertz.

REMARKS

I. Rejections Based on 35 U.S.C. § 103

In the Office Action, the Examiner rejected Claims 1, 4-11 and 13-20 previously on file as being unpatentable over Goldfarb. Applicant respectfully submits that these are not obvious in light of the cited reference.

Claim 1, upon which Claims 4-11 and 13 depend, has been amended to clarify that the transducer is positioned in the "interior" of a liquid-containing container "below an upper surface of a liquid" in the container. Independent method Claim 14, upon which Claims 15-20 depend, has been similarly amended. Applicant respectfully submits that this features, as clarified, and

particularly in combination with the claimed feature that the therapeutically beneficial frequency is "between approximately four hundred and eight hundred Hertz," is not shown in Goldfarb.

In Goldfarb, the transducers 88 and 89 are positioned on the exterior of a bathtub. See Abstract; Figure 5; Detailed Description of the Preferred Embodiments, p. 7, lines 26-28. The frequency at which they operate does not exceed "approximately 150 Hz." Summary of the Invention, p. 4, lines 1-3; p. 5, lines 10-12. The operation of the transducers causes the wall 82 of the tub to vibrate, and to emit those vibrations from an interior surface thereof. Abstract.

Seen in this light, Applicant asserts that Goldfarb is clearly distinguishable from the claimed invention. First, unlike Goldfarb, the claimed invention requires placement of the transducer in the interior of the container, in the liquid. This permits direct transmission of the therapeutically beneficial frequency into the body of liquid, which is considered to provide enhanced therapeutic effect as illustrated in applicant's prior submissions. In Goldfarb, in contrast, the transducers are placed on the exterior of the container, so as to vibrate the container walls. As a result, the transducers of Goldfarb do not directly transmit in the liquid.

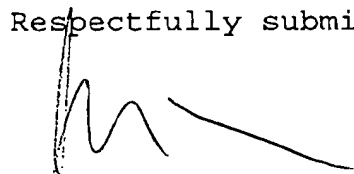
Moreover, the vibration-creating transducers of Goldfarb operate in a frequency that is between 18 and 150 Hz -- well below the 400-800 Hz range claimed herein. Indeed, Goldfarb specifically teaches that the frequency should be "not more than approximately

150 Hz" (Summary of the Invention, p. 5, lines 10-12). Accordingly, Goldfarb teaches away from the much higher frequency range claimed by Applicant, and routine experimentation using the teachings of Goldfarb would not yield this range.

Applicant respectfully submits that Applicant's Claimed Invention is deserving of patent protection because it describes a useful and functional method which patentably distinguishes over the cited prior art. In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Claims and in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicant respectfully submits that he has persuasively demonstrated that the above-identified Patent Application, including Claims 1, 4-11, and 13-20 is in condition for allowance. Such action is earnestly solicited.

If there are any fees, including extension of time fees, incurred by this Amendment Letter, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,



Jeffrey Weiss
Reg. No. 45,207
(202) 682-1722

Claim Amendments - Version With Markings to Show Changes Made

Claim 1 (Fourth Amendment) A method for treating inflammatory musculoskeletal connective tissue disorders comprising the steps of:

providing a low frequency sonic transducer;

immersing said low frequency sonic transducer in an interior of a liquid-containing container and below an upper surface of a liquid in said liquid-containing container;

positioning a person having an inflammatory musculoskeletal connective tissue disorder a therapeutically beneficial distance from said container;

[wherein said therapeutically beneficial distance is approximately one foot from said container;] and

exposing said person for a therapeutically beneficial period of time to acoustic waves from said low frequency sonic transducer at a therapeutically beneficial frequency;

wherein said therapeutically beneficial frequency is between approximately four hundred and eight hundred Hertz.

Claim 14 (Thrice Amended) A method for inflammatory musculoskeletal connective tissue disorders comprising the steps of:

providing a low frequency sonic transducer;

immersing said low frequency sonic transducer in an interior of a liquid-containing container and below an upper surface of a liquid in said liquid-containing container;

positioning a person having an inflammatory musculoskeletal connective tissue disorder a therapeutically beneficial distance [approximately one foot] from said container; and

exposing said person for between approximately fifteen minutes and forty-five minutes to acoustic waves from said low frequency sonic transducer at approximately six hundred Hertz.